



UNITED STATES PATENT AND TRADEMARK OFFICE

mf

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,746	03/22/2004	Paul Joseph Chang L	003765	4791

24737 7590 02/20/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

DO, ANH HONG

ART UNIT	PAPER NUMBER
----------	--------------

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/806,746

Applicant(s)

CHANG ET AL.

Examiner

ANH H. DO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-32 and 35-50 is/are allowed.
- 6) ☒ Claim(s) 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 2/7/2007 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 33 and 34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 33 and 34 define a computer based structural organization embodying functional descriptive material. However, the claims do not define a computer readable medium or memory and is thus non-statutory for that reason (i.e., "when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed a computer based structural organization can range from

paper on which the program is written, to a program simply contemplated and memorized by a person. The Examiner suggests amending the claims to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Furthermore, claims 33 and 34 are simply a patentable apparatus, however, they are in reality seeking patent protection of the computer program in the abstract as evidence by a software, and they do not produce useful and tangible result and do not have physical transformation.

Allowable Subject Matter

4. Claims 22-32 and 35-50 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 22, the prior art, taken either singly or in combination, does not teach:

- transforming source data into hierarchical representation comprising a plurality of coefficients, said hierarchical representation comprising a plurality of levels of essentially non-redundant data, wherein a level of said hierarchical representation comprises transform data sufficient to reconstruct said source data at a resolution corresponding to said level.

Regarding claims 23 and 35, the prior art, taken either singly or in combination,

does not teach:

- transforming source data into hierarchical representation using a wavelet transform with fixed point kernels, said hierarchical representation comprising a plurality of levels of essentially non-redundant data, wherein a level of said hierarchical representation comprises transform data sufficient to reconstruct said source data at a resolution corresponding to said level.

Regarding claims 24-28, since these claims depend upon claim 23, they are allowable for the same reason.

Regarding claims 36-40, since these claims depend upon claim 35, they are allowable for the same reason.

Regarding claims 29 and 31, the prior art, taken either singly or in combination, does not teach:

- said transform data generated from one source data using a wavelet transform with fixed point kernels, said hierarchical representation comprising a plurality of levels of essentially non-redundant data, wherein a level of said hierarchical representation comprises transform data sufficient to reconstruct said source data at a resolution corresponding to said level.

Regarding claims 30 and 32, since these claims depend upon claims 29 and 31, respectively, they are allowable for the same reason.

Regarding claims 41 and 42, the prior art, taken either singly or in combination does not teach:

- transforming source data into hierarchical representation using a wavelet transform, said hierarchical representation comprising a plurality of levels of essentially non-redundant data, wherein a level of said hierarchical representation comprises transform data sufficient to reconstruct said source data at a resolution corresponding to said level.

Regarding claims 43 and 47, the prior art, taken either singly or in combination, does not teach:

- transforming multi-component source data into a vector of multi-spectral transform data comprising a hierarchical representation with a plurality of levels of essentially non-redundant data, wherein a level of said hierarchical representation comprises multi-spectral transform data sufficient to reconstruct said multi-component source data at a resolution corresponding to said level.

Regarding claims 44-46 and 48-50, since these claims depend upon claims 43 and 47, respectively, they are allowable for the same reason.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 15, 2007



ANH HONG DO
PRIMARY EXAMINER